

REMARKS

Claims 1-5 are pending in the above-identified application. Claims 1-5 were rejected. Claim 1 was objected. With this Amendment, claims 1 and 4 are amended and claim 5 is cancelled. Accordingly, claims 1-4 are at issue.

I. Objection To Drawings

The Examiner objects to the drawings under 37 C.F.R. § 1.83(a), indicating that Figure 2 fails to show the separator. Applicant respectfully transverses this objection.

Although Figure 2 does not show the separator, the separator is clearly shown in Figure 1. (See, Figure 1 item 23). The separator as shown in Figure 1 facilitates the understanding of the invention required under 35 U.S.C. 113. As a result, the separator is not required in Figure 2. Accordingly, Applicant respectfully requests withdrawal of this objection.

II. Objection To Specification

The specification has been amended as per the Examiner's request to overcome the objection.

III. Objection To Claims

Claim 1 is amended to accommodate the examiner's request. Accordingly, Applicant respectfully requests withdrawal of this objection.

IV. 35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 4 are amended to accommodate the examiner's request. Accordingly, Applicant respectfully requests withdrawal of this rejection.

V. 35 U.S.C. § 102 Anticipation Rejection of Claims and 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Fujimoto et al.* (EP 0704921 A1). Applicant respectfully traverses this rejection.

In relevant part, claim 1 recites:

“the sectional surface of the spirally wound body has one of an elliptical shape and a shape including a straight line and a curved line, and

a ratio of the longest diameter to the shortest diameter in the sectional surface with respect to the center of the spirally wound body is within a range of 1 to 3 inclusive.”

This is clearly unlike *Fujimoto*, which fails to disclose or suggest a sectional surface of a spirally wound body with an elliptical shape or a shape including a straight line and a curved line with a ratio of the longest diameter to the shortest diameter of 1 to 3 inclusive. Instead, *Fujimoto* discloses a cylindrical shaped battery. (See, *Fujimoto* paragraph 0010). Further, nowhere does *Fujimoto* disclose the shape of the sectional surface of the spirally wound body. As the Applicant’s specification teaches, maintaining a ratio of the longest diameter to the shortest diameter of 1 to 3 inclusive allows for superior capacity and cycle characteristics for the battery. (See, paragraph 0021). As a result, the battery disclosed by *Fujimoto* is not capable of producing the battery claimed by the Applicants.

Therefore, because *Fujimoto* fails to disclose, or even fairly suggest, every feature of claim 1, the rejection is improper. Because claims 2-4 depend, either directly or indirectly from claim 1, those claims are patentable for the same reasons.

VI. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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